

ENTERED

January 11, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:16-CR-773
	§	
RAMIRO GALVAN-GUERRERO; aka	§	
RAMIRO CONTRERAS-GUERRERO	§	

ORDER GRANTING THIRD MOTION FOR CONTINUANCE

Senior United States District Judge John D. Rainey referred this case to the undersigned United States Magistrate Judge for the purpose of conducting a guilty plea proceeding pursuant to Rule 11 of the Federal Rules of Criminal Procedure. The defendant is charged with illegally re-entering the United States in violation of 8 U.S.C. § 1326. Prior to the plea proceeding, counsel for defendant orally moved for a continuance to conduct additional legal research and investigation into the defendant's immigration history to determine whether he had a viable defense to the charge. This is the third request for continuance by defense counsel.

Defense counsel has received some documents relevant to a possible claim of derivative citizenship including the birth certificate of the defendant's grandmother. Defense counsel is still trying to locate a family member of the defendant to support a defense based on derivative citizenship. Further, the defense is attempting to obtain documents from Mexican authorities establishing the defendant was adopted by his grandmother. The government was unopposed to the motion for continuance. After the


undersigned magistrate judge explained to the defendant his right to a speedy trial, the defendant also asked the Court to continue his pretrial conference and trial.

The Court has considered the Unopposed Motion for Continuance of the Pretrial Conference and Trial of defendant and finds that this motion should be GRANTED.

Taking into account counsel's exercise of due diligence, failure to grant the motion would deny counsel for defendant reasonable time necessary for effective preparation. Accordingly, the Court GRANTS the motion for continuance and further finds pursuant to 18 U.S.C. § 3161(h)(7)(A) the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial.

It is further ORDERED that this case is set for a Final Pretrial Conference before U.S. Magistrate Judge Jason Libby on **February 16, 2017 at 9:30 a.m.** and Trial is set before Senior U.S. District Judge John D. Rainey on **February 27, 2017, at 9:30 a.m.**

ORDERED this 11th day of January, 2017.



Jason B. Libby
United States Magistrate Judge